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ATTORNEY GENERAL OF NEW JERSEY

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RECEIVED AND FILED  
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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

GARY J. FRIEDLAND, D.D.S.  
License No. 11502

TO PRACTICE DENTISTRY IN THE  
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

THIS MATTER was opened to the New Jersey State Board of Dentistry (hereinafter the "Board") upon receipt of a complaint lodged by eleven patients against respondent Gary J. Friedland, D.D.S. (hereinafter the "Respondent"), alleging that respondent was indiscriminately prescribing Controlled Dangerous Substances (hereinafter "C.D.S.") to patients: The complainants also alleged professional misconduct, claiming that respondent exhibited an unprofessional demeanor and appearance, respondent was practicing dentistry in an office with unsanitary conditions, respondent was falsifying insurance claims, and respondent made sexually inappropriate advances

toward some of the complainants. Additionally, it was alleged that the quality of respondent's dental work did not meet acceptable standards of dental care. Respondent appeared with counsel from the firm of Slotnick & Schwartz, Esqs. (Steven Slotnick, Esq., appearing), before the Board on September 25, 1996, for an Investigative Inquiry. Respondent provided sworn testimony and responded to questions by members of the Board regarding his practice of prescribing C.D.S. drugs in conjunction with his dental treatment of patients R.M., S.P., L.S., R.Me., C.M. and J.G. The Board reviewed the entire record in this matter, including prescription profiles and pharmacy printouts for prescriptions written for and by respondent between the period January 1994 through November 1995. It appears to the Board that respondent has engaged in repeated acts of prescribing controlled dangerous substances in an indiscriminate manner in violation of N.J.S.A. 45:1-13 and has failed to maintain adequate patient records for patients R.M., S.P., L.S., R.Me., C.M. and J.G. in violation of N.J.A.C. 13:30-8.7. The Board makes no findings as to the other allegations raised by the complainants.

In order to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS on this 23<sup>rd</sup> day of July, 1997,

ORDERED, that:

1. Respondent is hereby suspended from the practice of dentistry in the State of New Jersey for a period of one (1) year, all but 60 days of such suspension to be stayed and to become a period of probation. The sixty day period of active suspension shall begin on August 14, 1997. During the period of suspension, respondent shall observe the provisions of the directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof.

2. Respondent is hereby assessed a civil penalty in the total amount of \$12,500.00, of which \$10,000.00 represents a penalty for engaging in repeated acts of prescribing controlled dangerous substances in an indiscriminate manner for patients R.M., S.P., L.S., R.Me., C.M. and J.G. and \$2,500.00 represents a penalty for failing to maintain adequate patient records for patients R.M., S.P., L.S., R.Me., C.M. and J.G. Said penalty shall be paid by certified check or money order to the "State of New Jersey" and submitted to the State Board of Dentistry, Attention: Agnes M. Clarke, Executive Director, 124 Halsey Street, 6th Floor, New Jersey 07101 within thirty (30) days of the entry of this Order. In the event respondent elects to make payment on an installment basis, he shall enter into a letter agreement with the Board of Dentistry which shall provide the amount and due date for each monthly installment and further provide that, if respondent fails to make any monthly installment in a timely manner as provided in such agreement, the entire remaining balance shall immediately become due and payable without further notice.

3. Respondent shall successfully complete the mini-residency entitled "the Proper Prescribing of Controlled Dangerous Substances," offered by Dr. William Vilensky and sponsored by the University of Medicine and Dentistry of New Jersey at the Robert Wood Johnson Medical School in Camden, New Jersey. Such course shall be at respondent's expense. Respondent shall be required to complete both the didactic and the clinical portions of this course within one (1) year from the entry of this Order. Upon completion of the course, respondent shall present to the Board, in writing, a certificate of successful completion of the course signed by Dr. Vilensky or his designee.

4. Respondent shall successfully complete fourteen (14) hours of continuing education in temporal mandibular joint disfunction. The continuing education ordered herein shall be in addition to, and not a part of, the mandatory continued education hours required for licensees. The courses shall be approved by the Board, in writing, prior to attendance, utilizing the attached Pre-

Approval Sheet. The course must be completed within six (6) months of entry of this Order. Also, respondent shall be required to complete the attached Continuing Education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of the within Order and a separate form is to be used for each course.

5. Respondent shall be and is hereby reprimanded for the conduct more particularly described above. Respondent is cautioned that more serious penalties shall be imposed in the event subsequent complaints of a similar nature are filed against him.

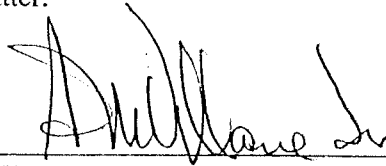
6. Respondent shall maintain his dental office in a clean and sanitary condition in conformance with all applicable statutes and regulations.

7. Random and unannounced audits of respondent's patient records and billing records may be conducted by the Board's designees at the Board's discretion and at the expense of the respondent for the entire probationary period. On demand made, respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The cost of each such audit shall be based on the standard hourly rate for the Board's investigator's prevailing at the time of the audit and shall be due and payable within thirty (30) days of the respondent's receipt of a statement of such costs from the Executive Director of the Board.

8. Any failure to comply with the provisions of this Consent Order shall be grounds for the Attorney General to apply for a summary hearing before the Board or any three members of this Board, as the President may designate for this purpose, on three (3) days' notice to respondent or his attorney. The proof at such hearing shall be limited to the issue of whether this Consent Order has been violated and any evidence in mitigation of sanction. Upon proof by a preponderance of the evidence of a material violation of this Consent Order, the Board members

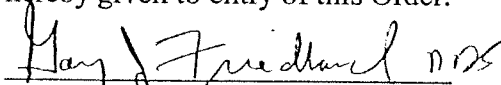
hearing the matter may summarily suspend or limit respondent's license to practice dentistry pending a review by the full Board.

9. Respondent shall forward to Agnes M. Clarke, Executive Director of the Board of Dentistry, at the address listed above in ¶2, the sum of \$601.13, by certified check or money order made payable to the "State of New Jersey," within thirty (30) days of the entry of this Order, which represents the costs of the investigation of this matter.




ANTHONY M. VILLANE, JR., D.D.S.  
President of the State Board of Dentistry

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to entry of this Order.

  
GARY J. FRIEDLAND, D.D.S.

I hereby consent as to the form and entry of this Order.

SLOTNICK & SCHWARTZ, ESQS.  
Attorneys for Respondent Friedland

  
Steven Slotnick, Esq.

DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.





## State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF DENTISTRY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN  
Governor

### CONTINUING EDUCATION REPORTS AND PROOF OF ATTENDANCE

PETER VERNIERO  
Attorney General  
MARK S. HERR  
Director

All reports should be typewritten. If more than one course is required, this report form may be duplicated. Please complete all sections in the spaces provided. A separate form is to be used for each course.

Mailing Address:  
P.O. Box 45005  
Newark NJ 07101  
(201) 504-6405

1. Name of Dentist and License Number
2. Title of Course, Instructor and Location Date of Course
3. Was prior approval for the course obtained: Yes ☐ No ☐  
\*\* If the answer is NO, please explain the reason:
4. Name, address and phone number of the sponsoring organization and the name of the representative in charge of attendance.
5. Hours of course attendance
6. Attach a copy of all course/lecture handouts. Number of pages attached \_\_\_\_\_
7. Attach a copy of proof of payment for the course and any other proof of attendance. (e.g. cancelled check, copy of certificate, letter from sponsor)
8. Describe with some specificity one new diagnosis or treatment or product or material about which you learned at the course. (Use the back of this sheet.)

#### PROOF OF ATTENDANCE:

The undersigned hereby verifies that the above named dentist attended and successfully completed the course listed above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



State of New Jersey  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF DENTISTRY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN  
Governor

CONTINUING EDUCATION COURSE  
PRE-APPROVAL SHEET

PETER VERNIERO  
Attorney General  
MARK S. HERR  
Director

\*\*\*ATTACH COURSE DESCRIPTION AND/OR BROCHURE AND SUBMIT AT LEAST 30 DAYS PRIOR TO COURSE DATE. THE BOARD CANNOT ASSURE APPROVAL FOR COURSES PROVIDED ON SHORT NOTICE. A SEPARATE FORM IS TO BE USED FOR EACH COURSE. A COPY WILL BE RETURNED TO YOU AFTER APPROVAL OR DENIAL BY THE BOARD.\*\*\*

Mailing Address:  
P.O. Box 45005  
Newark NJ 07101  
(201) 504-6405

DENTIST NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE # \_\_\_\_\_

NAME OF COURSE \_\_\_\_\_

SPONSOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE # \_\_\_\_\_

\_\_\_\_\_  
COURSE PRE-APPROVED BY BOARD      DATE \_\_\_\_\_

\_\_\_\_\_  
COURSE NOT ACCEPTED BY BOARD      DATE \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
AGNES M. CLARKE  
EXECUTIVE DIRECTOR